

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 17, 2011

8:30 A.M. ROLL CALL

Invocation by Kalyan Sharma of the Hindu Temple of Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Resolution of Commendation to [John Texeira](#) for 50 years of service as a Housing Authority Board member – Mayor's Office - **Read and presented**

Proclamation of "FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA) COMPLETION AND AWARENESS MONTH" – Mayor's Office and Councilmember Baines – **Read and presented**

Add-on: Proclamation of "PASTOR, DR. WM. C. NOLTE DAY" – Acting president Olivier – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of February 10, 2011

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. Approve the appointment of Councilmember Clinton Olivier to the Fresno-Madera Area Agency on Aging – Mayor's Office

Action Taken: Approved

- B. Reject all bids for Automatic Passenger Counters (APC) – Department of Transportation/FAX

Action Taken: Rejected

- C. Approval of Senate Bill 1561 Annual Report – Department of Transportation/FAX

Action Taken: Approved

- D. Adopt Resolution of Intention No. 1087-D to vacate a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College alley (*Property located in District 3*) – Public Works Dept.

Action Taken: Adopted

- E. Adopt Finding of a Categorical Exemption Pursuant to CEQA Guidelines Section 15301(c) for the construction of bicycle facilities along Cedar Avenue from Floradora Avenue to Los Altos Avenue 2 – Public Works Dept.

Action Taken: Adopted

1. Award a construction contract in the amount of \$222,577.00, to Witbro, Inc., DBA, Seal Rite Paving & Grading, for construction of bicycle facilities along Cedar Avenue from Floradora Avenue to Los Altos (*Property located in Districts 4, 6 and 7*)

Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- F. Authorize acceptance of the grant award of \$369,309 from the California Emergency Management Agency (CalEMA) for the Gang Reduction, Intervention and Prevention (CalGRIP) program and for the Chief of Police to enter into and execute the agreement subject to approval as to form by the City Attorney's Office for all required program documents – Police Dept.
Action Taken: Authorized
1. * **RESOLUTION** - 74th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$84,500 to target gang activity (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2011-26 adopted
- G. Award a three-year contract to Forensic Nurse Specialists of Central California, Inc., in an estimated amount of \$106,000 per year—\$318,000 for a three-year contract—for sexual assault forensic examinations of victims and suspects – Police Dept.
Action Taken: Awarded
- H. **RESOLUTION** - Authorizing acceptance of a \$15,000 agreement and authorizing the Assistant City Manager to enter into and execute agreements between the Parks, After School, Recreation and Community Services Department and the San Joaquin River Conservancy (SJRC) for the Life and Environmental Science Program – PARCS
Action Taken: Resolution No. 2011-27 adopted
- I. **RESOLUTION** - Approving the Final Map of Tract No. 5869, Phase 2 of Vesting Tentative Map No. 5600, accepting dedicated public uses therein; authorize the Public Works Director, the Development and Resource Management Department Director and the Public Utilities Director to execute the necessary documents (**Property located in Council District 2**) – Development and Resource Mgmt Dept.
Action Taken: Resolution No. 2011-28 adopted
- J. Approve Amendment No. 3 with Shibumi Consulting Services to extend the contract time for programming services to update the City of Fresno billing system to accommodate automated water meter reading – Dept. of Public Utilities
Action Taken: Approved
- K. **BILL – (For introduction)** - Amending Sections 1-105, 2-312, Subsection (b) of Section 5-305, Subsection (h) of Section 5-502, Subsection (a) of Section 13-504, and Subsection (p) of Section 14-103 of and adding Section 1-217 to the Fresno Municipal Code, relating to accessibility for people with disabilities – Public Works Dept.
Action Taken: Bill No. B-7 introduced/laid over

CONTESTED CONSENT CALENDAR

9:00 A.M. **GENERAL ADMINISTRATION**

- A. Adoption and submission of the fiscal year 2010-2011 Annual Action Plan substantial amendment to the U.S. Department of Housing and Urban Development applying for Neighborhood Stabilization Program funds under the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (NSP 3) and authorizing the City Manager to sign all implementing documents – Budget Mgmt. Studies Division
Action Taken: Approved
- B. **WORKSHOP** - Recycled Water Master Plan – Dept. of Public Utilities – **Removed/to be rescheduled**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:30 A.M. **WORKSHOP** regarding priority setting - Mayor's Office (Meeting Room "A") - Held

9:45 A.M. **CITY COUNCIL**

A. Consider and adopt Council Budget Review Act – Acting President Olivier

1. **RESOLUTION** – Adoption of the Council Budget Review Act to provide information, background and analysis to Council ensuring a transparent review and broader understanding of budget and implementing it for the fiscal year 2012 budget process
Action Taken: Removed from the agenda

B. * **BILL No. B-6 - (Intro. 2/10/2011) (For adoption)** - Amending Section 4-107(g) of the Fresno Municipal Code relating to contracts not requiring competitive bidding - (Fresno City Finance & Audit Committee: Members Borgeas, Brand, Xiong)

Action Taken: Continued to March 3, 2011

10:00 A.M. **HEARING** to consider a resolution of public use and necessity for acquisition of permanent utility easement and rights-of-way for public utility purposes from the following parcel of real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-23 owned by Central California Nikkei Foundation (**Property located in District 5**) – Public Works Dept.

Action Taken: Held

- a. * **RESOLUTION** - Determining that public interest and necessity require acquisition and authorize eminent domain for acquisition of permanent utility easement and rights-of-way for public utility purposes from real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-23 owned by Central California Nikkei Foundation in the City of Fresno (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2011-29 adopted

10:15 A.M. **HEARING** to consider a resolution of public use and necessity for acquisition of permanent utility easement and rights-of-way for public utility purposes from the following parcel of real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-28 owned by Frank P. Chung and Lily L. Chung, as trustees, or successor trustee or trustees, UAD, October 31, 1986, as amended, creating the Chung Family Revocable Trust, as to undivided one-half interest; and Walter M. Gee and Wai Yui Gee, trustees under revocable trust agreement dated December 15, 1986, as to an undivided one-half interest (**Property located in District 5**) – Public Works Dept.

Action Taken: Removed from the agenda

- a. * **RESOLUTION** - Determining that public interest and necessity require acquisition and authorize eminent domain for acquisition of permanent utility easement and rights-of-way for public utility purposes from real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-28 owned by Frank P. Chung and Lily L. Chung, as trustees, or successor trustee or trustees, UAD, October 31, 1986, as amended, creating the Chung Family revocable trust, as to undivided one-half interest; and Walter M. Gee and Wai Yui Gee, trustees under revocable trust agreement dated December 15, 1986, as to an undivided one-half interest in the City of Fresno (**Requires 5 affirmative votes**)

11:00 A.M. **RESOLUTION** – In opposition of the Governor's budget proposal to end enterprise zone tax incentives

Action Taken: Resolution No. 2011-30 adopted

3:00 P.M. Presentation regarding frivolous construction lawsuits – Council President Brand – Presentation made

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Krystal Madrid, et al. v. City of Fresno, et al. USDC Case No. 08CV00098 OWW/SMS
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** Potential Litigation against the County of Fresno and Friant Ranch, LP, a California limited partnership, real party in interest, regarding County's approval of the Friant Community Plan Update & Friant Ranch Specific Plan and associated Environment Impact Report
Action Taken: Held

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by Barbara Hunt to discuss the City of Fresno Enterprise Zone, Redevelopment Agency and the Fresno Joint Powers Financing Authority – Appearance made

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	24 -	NO MEETING – PRESIDENTS' DAY	
Mar.	3 -	10:15 A.M.	CONTINUED HEARING re: Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services
Mar.	3 -	10:30 A.M.	CONTINUED HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept. (Continue to March 17, 2011 @ 10:15 a.m.)
Mar.	3 -	10:45 A.M.	JOINT HEARING WITH RDA re: five Implementation Plans
Mar.	10 -	MEETING	
Mar.	17 -	10:00 A.M.	HEARING to consider Plan Amendment A-10-005 and environmental findings, filed by the City of Fresno Airports Department, pertaining to property located in and around the Fresno Yosemite Airport, generally bounded by E. Dakota, North Chestnut, E. McKinley and North Clovis Avenues
Mar.	17 -	10:15 A.M.	CONTINUED HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
Mar.	24 -	NO MEETING – COUNCIL RECESS	
Mar.	31 -	10:00 A.M.	HEARING ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley (Property located in District 3)
Mar.	31 -	10:15 A.M.	HEARING re: CFD No. 11, Annexation No. 37, Tract No. 5498 (Property located in District 5)